

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CARMEN C. BURNS,)
Plaintiff,) No. CV-10-298-JPH
v.) ORDER GRANTING STIPULATED
MICHAEL J. ASTRUE,) MOTION FOR REMAND
Commissioner of Social) (ECF No. 20)
Security,)
Defendant.)

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**ECF No. 20**). Donald C. Bell represents plaintiff. Special Assistant United States Attorney Richard A. Morris represents defendant. The parties have consented to proceed before a magistrate judge (**ECF No. 7**).

After considering the stipulated motion (ECF No. 20),
IT IS ORDERED that the **motion is GRANTED**. The **case is REVERSED** and
REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for
further administrative proceedings, including:

1. The ALJ will hold a supplemental hearing;
 2. Obtain updated medial evidence, including ordering a consultative examination or obtaining e medical expert's

1 testimony, if warranted;

2 3. Further consider all acceptable source opinion evidence
3 and other source opinion evidence;

4 4. Further consider plaintiff's credibility in accordance
5 with SSR 96-7p, and assess plaintiff's residual functional
6 capacity;

7 5. If warranted, obtain vocational expert testimony to assist
8 in ascertaining if, given plaintiff's RFC, she could perform her
9 past relevant work or other work existing in significant numbers;
10 and

11 6. Re-evaluate the materiality of plaintiff's substance
12 abuse.

13 On remand plaintiff may submit additional evidence and
14 arguments.

15 Because this remand is pursuant to sentence four with a
16 remand to the Commissioner for further proceedings (*see Melkonyan*
17 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to
18 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412
19 (a), (d), upon proper request to this Court.

20 IT IS FURTHER ORDERED:

21 1. The parties' stipulated motion for an order of remand
22 pursuant to sentence four (ECF No. 20) is **granted**.

23 2. Judgment shall be entered for **Plaintiff**.

24 3. An application for attorney fees and costs may be filed by
25 separate motion.

26 4. The District Court Executive is directed to enter this
27 Order, enter judgment, forward copies to counsel, and **CLOSE** the
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1 file.

2 **IT IS SO ORDERED.**

3 **DATED** this 19th day of September, 2011.

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5 *s/James P. Hutton*
6 JAMES P. HUTTON
7 UNITED STATES MAGISTRATE JUDGE

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